



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

April 7, 1980

Present: Kulmala, Raftery, Coulter, Courant, Hannaford, Sauer

Arthur Eno, attorney for Gerald Vahe and Bernhard Piwczyk, presented again the plan of land on Morse Road, showing Lot 15, 25.769 acres. This is a parcel which is proposed to be sold to the buyer of Lot 14. Vahe and Piwczyk are the owners of record of Lot 14; ownership of Lot 15 was shown on the plan to be MSB, Inc. Robert Gill, surveyor, was also present to explain the methods by which Land Court assigns new numbers each time a plan is recorded.

The problems with this parcel are the following: (1) The Planning Board contends that a lot cannot have legal frontage on a way which does not provide adequate access. Morse Road has been in fact abandoned as a public way although its legal status is not fully understood. The Board was reluctant to sign the plan under Approval Not Required if such signature might imply that the parcel was a legal building lot. (2) The petitioners wish at this time to convey this 25+ acre parcel to the buyer of Lot 14; but since this is Registered Land, they must have a signed plan for the Land Court in order to cut the parcel from the remaining land of MSB, Inc. However, on advice of counsel they are reluctant to accept any legend on the plan which would imply their acceptance of the Board's position of "no access, no legal frontage."

Eno suggested wording used in other towns, "No determination is made as to compliance with zoning bylaws" as putting the buyer sufficiently on notice. He felt that wording "Not to be considered as a legal building lot" was a determination of law and not within the Board's powers. There was a feeling on the Board that an ambiguous legend will indicate a waiving of the Board's earlier determination that legal frontage is not present because adequate access is not present. A legend tying Lot 15 to Lot 14 and together making one building lot was suggested.

After discussion, the following wording was agreed upon as acceptable to the Board and to the petitioners: "For recording purposes only, in the opinion of the Planning Board Lot 15 does not meet the frontage requirements of GL Chapter 41, Section 81L." This legend was added to the plan. A motion was made and seconded to sign this plan, noting that the Planning Board vote to sign makes no determination with respect to the legends on the plan as to whether the road is a public way suitable for the purposes of General Law Chapter 41, Section 81L. Unanimously voted in favor, the plan was signed under Approval Not Required.

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A letter from Four Season Development (Munroe Hill) had been received informing the Board that construction of the road had begun, with a scheduled completion in July 1980. Since inspections are required during the process of road construction, it was felt that Four Seasons should be informed of standard procedures.

Warren Lyman and George Foote, associate members of the Conservation Commission, were present for informal discussion of Town Center Planning. A "year ahead" discussion was put on the agenda for the April 14 meeting. Selectmen, Board of Health and Historic Commission should be invited to a future meeting to further these discussions.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Meredith DeLong
Secretary to the Board